

REMARKS

The Applicant has carefully reviewed the Office Action mailed August 17, 2007 and offers the following remarks to accompany the above amendments.

Claims 1-17 and 19-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0038400 A1 to *Fukushima* (hereinafter "*Fukushima*") in view of U.S. Patent Application Publication No. 2002/0072391 A1 to *Itoh et al.* (hereinafter "*Itoh*"). The Applicant respectfully traverses the rejection.

Prior to addressing the rejection, the Applicant provides herewith a brief summary of the present invention. The present invention provides a mobile terminal capable of supporting both wired and local wireless interfaces to support communications. According to the present invention, when a mobile terminal is engaged in a communication session via a wired interface and the existing communication session via the wired interface is no longer possible, a new session may be established via the local wireless interface to continue the prior communication. In case of such an event, the communications will be associated with a particular ID, such as a communication session identification, which is used when establishing the new session such that the original communication may continue over the new session. The Applicant submits that none of the references, either alone or in combination, discloses or suggests established communication sessions associated with a particular ID where the ID is used when establishing a new session such that the original communication may continue over the new session.

According to Chapter 2143.03 of the M.P.E.P., in order to "establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." The Applicant submits that neither *Fukushima* nor *Itoh*, either alone or in combination, discloses or suggests all the features recited in claims 1-17 and 19-35. More specifically, claim 1 recites a mobile terminal comprising, among other features, a control system adapted to establish communication sessions "associated with a first indicia" over first and second communication networks where "the first indicia is a communication session identification." Claim 19 includes similar features. The Applicant submits that none of the references, either alone or in combination, discloses or suggests a first indicia which is associated with a communication session where the first indicia is a communication session identification which is used to establish a new session such that an original communication may continue over the new session. As correctly pointed out by the Patent Office, *Fukushima* does not disclose this

feature.¹ Nevertheless, the Patent Office maintains the rejection by asserting that *Itoh* discloses this feature at paragraph [0024] where *Itoh* teaches a computer apparatus which provides a “suspend event to [an] ongoing program during communication adapter switching, where indicia for [a] resume connection is” inherent.² The Applicant respectfully disagrees.

According to Chapter 2112 of the M.P.E.P., when relying upon a theory of inherency, “the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” The Patent Office has not shown how communication sessions associated with a first indicia over first and second communication systems where the first indicia is a communication session identification necessarily flow from the suspend event feature and resume connection feature disclosed in *Itoh*. The Applicant respectfully submits that communication sessions associated with a first indicia over first and second communication networks where the first indicia is a communication session identification does not necessarily flow from the suspend event and resume connection features recited in *Itoh*. In fact, the teachings of *Itoh* establish that the characteristic of a first indicia does not necessarily flow from either the suspend event feature or the resume connection feature. More specifically, *Itoh* discloses that the suspend event feature shuts down a device when the device does not receive input for a period of time.³ According to *Itoh*, the suspend event feature is implemented to conserve power for the device.⁴ The suspend event feature has nothing to do with a first indicia which is associated with a communication session over first and second communication networks. Nor does the suspend event feature have anything to do with a first indicia which is a communication session identification. Thus, a first indicia associated with a communication session over first and second communication networks where the first indicia is a communication session identification as recited in the claims does not necessarily flow from the suspend event feature disclosed in *Itoh*.

Regarding the resume connection feature, according to *Itoh*, this feature maintains the state of a task before a device is shutdown so that the task may be resumed at the point of

¹ See Office Action mailed August 17, 2007, page 3.

² See Office Action mailed August 17, 2007, page 3.

³ See *Itoh*, paragraph [0047].

⁴ See *Itoh*, paragraph [0047].

interruption when the device is turned back on.⁵ This feature is implemented to conserve power for a device using this feature.⁶ *Itoh* does not disclose, either explicitly or inherently, that the resume connection feature has anything to do with a first indicia which is associated with a communication session over a first communication network and a second communication network which is separate from the first communication network where the first indicia is a communication session identification. At the very most, the resume connection feature may allow a communication session over a single communication network to resume. However, no mention is made about allowing communication to resume over a second communication network which is separate from the first communication network. As such, a first indicia associated with a communication session over first and second communication networks where the first indicia is a communication session identification as recited in the claims does not necessarily flow from the resume connection feature disclosed in *Itoh*. Therefore, claims 1 and 19 are patentable over *Itoh* and the Applicant requests that the rejection be withdrawn. Likewise, claims 2, 3, 8-11, 13-15, 17, 20, 21, 26-29, 31-33, and 35, which variously depend from claims 1 and 19 are patentable for at least the same reasons along with the novel features recited therein.

Claim 4, which ultimately depends from claim 1, recites that “the control system is further adapted to register with a service node in association with the first address.” Claim 22, which ultimately depends from claim 19, includes similar features. The Applicant submits that neither of the references, either alone or in combination, discloses or suggests registering with a service node in association with a first address. In maintaining the rejection, the Patent Office asserts that *Fukushima* discloses this feature in paragraph [0090].⁷ The Applicant respectfully disagrees for a number of reasons. First, *Fukushima* does not disclose a service node as recited in claim 4. At most, *Fukushima* discloses a docking station which allows for wired communication with an external device.⁸ However, the docking station is not a service node which has service control functions, service data functions, specialized resource functions, and service switching/call control functions. Second, even assuming *arguendo* that the docking station disclosed in *Fukushima* was somehow a service node as recited in claim 4, *Fukushima* still does not disclose registering with the docking station. At most, the cited portion of

⁵ See *Itoh*, paragraph [0047].

⁶ See *Itoh*, paragraph [0047].

⁷ See Office Action mailed August 17, 2007, page 4.

⁸ See *Fukushima*, paragraph [0090].

Fukushima discloses switching a communication interface between a personal computer and a docking station according to a state of docking and undocking between the personal computer and the docking station.⁹ However, nowhere is any mention made of a registering with the docking station, either in the cited portion, nor any other portion of *Fukushima*. Similarly, *Itoh* does not disclose a service node nor registering with a service node in association with a first address. Therefore, in addition to the reasons noted above with respect to claims 1 and 19, claims 4 and 22 are patentable over the cited references and the Applicant requests that the rejection be withdrawn. Similarly, claims 5-7 and 23-25, which variously depend from claims 4 and 22, recite the feature of registering with a service node in association with an address and are therefore allowable for at least the same reasons as discussed above with respect to claims 4 and 22.

Claim 12, which depends from claim 1, recites that a second communication session is “identified with the first indicia.” Claim 30, which depends from claim 19, includes similar features. The Applicant submits that none of the cited references, either alone or in combination, disclose or suggest a second communication which is identified with a first indicia. As previously mentioned, none of the cited references, either alone or in combination, discloses or suggests a first indicia associated with a communication session. Therefore, neither reference, either alone or in combination, can disclose or suggest that a second communication session is identified with a first indicia. In addition to the reasons noted above with reference to claims 1 and 19, claims 12 and 30 are patentable over *Fukushima* and *Itoh* and the Applicant requests that the rejection be withdrawn.

Claim 16, which ultimately depends from claim 1, recites that a third session for the communication is “identified with the first indicia.” Claim 34, which ultimately depends from claim 19, includes similar features. The Applicant submits that neither *Fukushima* nor *Itoh*, either alone or in combination, disclose or suggest that a third communication session is identified with a first indicia. As detailed above, none of the cited references, either alone or in combination, discloses or suggests a first indicia identified with a first or second communication session. Thus, it follows that neither reference, either alone or in combination, can disclose or suggest a third communication session identified with a first indicia. For this reason and the

⁹ See *Fukushima*, paragraph [0090].

reasons noted above with respect to claims 1 and 19, claims 16 and 34 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claims 18 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fukushima* in view of *Itoh* and further in view of U.S. Patent No. 6,475,146 B1 to *Frelburger et al.* (hereinafter "*Frelburger*"). The Applicant respectfully traverses the rejection.

As detailed above, claims 1 and 19, the base claims from which claims 18 and 36 ultimately depend, are patentable over *Fukushima* and *Itoh*. In addition, *Frelburger* does not overcome the previously noted deficiencies of both *Fukushima* and *Itoh*. Accordingly, claims 18 and 36 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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Date: November 15, 2007
Attorney Docket: 7000-339